

1 AN ACT in relation to civil liabilities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 11-1403.4 and changing Section 12-603.1 as follows:

6 (625 ILCS 5/11-1403.4 new)

7 Sec. 11-1403.4. Helmets; damages. Damages caused by a
8 person's failure to wear a protective helmet while riding on
9 a motorcycle, motor-driven cycle, or motorized pedalcycle
10 shall not be recoverable in any civil action.

11 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

12 Sec. 12-603.1. Driver and passenger required to use
13 safety belts, exceptions and penalty.

14 (a) Each driver and front seat passenger of a motor
15 vehicle operated on a street or highway in this State shall
16 wear a properly adjusted and fastened seat safety belt;
17 except that, a child less than 6 years of age shall be
18 protected as required pursuant to the Child Passenger
19 Protection Act. Each driver under the age of 18 years and
20 each of the driver's passengers under the age of 18 years of
21 a motor vehicle operated on a street or highway in this State
22 shall wear a properly adjusted and fastened seat safety belt.
23 Each driver of a motor vehicle transporting a child 6 years
24 of age or more, but less than 16 years of age, in the front
25 seat of the motor vehicle shall secure the child in a
26 properly adjusted and fastened seat safety belt.

27 (b) Paragraph (a) shall not apply to any of the
28 following:

29 1. A driver or passenger frequently stopping and
30 leaving the vehicle or delivering property from the

1 vehicle, if the speed of the vehicle between stops does
2 not exceed 15 miles per hour.

3 2. A driver or passenger possessing a written
4 statement from a physician that such person is unable,
5 for medical or physical reasons, to wear a seat safety
6 belt.

7 3. A driver or passenger possessing an official
8 certificate or license endorsement issued by the
9 appropriate agency in another state or country indicating
10 that the driver is unable for medical, physical, or other
11 valid reasons to wear a seat safety belt.

12 4. A driver operating a motor vehicle in reverse.

13 5. A motor vehicle with a model year prior to 1965.

14 6. A motorcycle or motor driven cycle.

15 7. A motorized pedalcycle.

16 8. A motor vehicle which is not required to be
17 equipped with seat safety belts under federal law.

18 9. A motor vehicle operated by a rural letter
19 carrier of the United States postal service while
20 performing duties as a rural letter carrier.

21 (c) Blank. ~~Failure--to--wear--a--seat--safety--belt--in~~
22 ~~violation-of-this-Section-shall-not-be-considered-evidence-of~~
23 ~~negligence, shall-not-limit-the-liability-of-an-insurer, and~~
24 ~~shall-not-diminish-any-recovery-for-damages-arising-out-of~~
25 ~~the-ownership, maintenance, or operation-of-a-motor-vehicle.~~

26 (d) A violation of this Section shall be a petty offense
27 and subject to a fine not to exceed \$25.

28 (e) No motor vehicle, or driver or passenger of such
29 vehicle, shall be stopped or searched by any law enforcement
30 officer solely on the basis of a violation or suspected
31 violation of this Section.

32 (Source: P.A. 90-369, eff. 1-1-98.)

33 Section 10. The Child Passenger Protection Act is

1 amended by changing Section 5 as follows:

2 (625 ILCS 25/5) (from Ch. 95 1/2, par. 1105)

3 Sec. 5. Any damages caused by ~~In--no-event-shall~~ a
4 person's failure to secure a child under 6 years of age in an
5 approved child restraint system or properly secure such
6 child, if age 4 or 5, in a seat belt shall not be recoverable
7 in any civil action brought by or on behalf of such child's
8 parent or any person or entity standing in loco parentis to
9 such child ~~constitute---contributory---negligence--or--be~~
10 ~~admissible-as-evidence-in-the-trial-of-any-civil-action.~~

11 (Source: P.A. 86-1241.)

12 Section 15. The Local Governmental and Governmental
13 Employees Tort Immunity Act is amended by changing Sections
14 2-202, 3-102, and 3-105 and adding Section 4-108 as follows:

15 (745 ILCS 10/2-202) (from Ch. 85, par. 2-202)

16 Sec. 2-202. Execution or enforcement of law.

17 (a) A public employee is not liable for his act or
18 omission in the execution or enforcement of any law unless
19 such act or omission constitutes willful and wanton conduct.

20 (b) A public employee responsible for keeping the peace
21 shall not be liable for any act or omission related to that
22 responsibility unless the act or omission constitutes willful
23 and wanton conduct.

24 (c) Nothing in this Section shall limit or otherwise
25 modify any other immunity granted in this Act.

26 (Source: P.A. 84-1431.)

27 (745 ILCS 10/3-102) (from Ch. 85, par. 3-102)

28 Sec. 3-102. (a) Except as otherwise provided in this
29 Article, a local public entity has the duty to exercise
30 ordinary care to maintain its property in a reasonably safe

1 condition for the use in the exercise of ordinary care of
2 people whom the entity intended and permitted to use the
3 property in a manner in which and at such times as it was
4 reasonably foreseeable that it would be used, and shall not
5 be liable for injury unless it is proven that it has actual
6 or constructive notice of the existence of such a condition
7 that is not reasonably safe in reasonably adequate time prior
8 to an injury to have taken measures to remedy or protect
9 against such condition. Notwithstanding any other provision
10 of this Article, a local public entity owes no duty of care
11 when its property is used by any person who is under the
12 influence of alcohol or any other drug or combination of
13 drugs that renders the person incapable of safely using
14 public property, or to a person when the alcohol
15 concentration in the person's blood at the time of the
16 person's injury is 0.08 or more based on the definition of
17 blood and breath units in the Illinois Vehicle Code, or when
18 there is any amount of a drug, substance, or compound in the
19 person's blood resulting from the unlawful use of cannabis as
20 provided in the Cannabis Control Act or a controlled
21 substance as provided in the Illinois Controlled Substances
22 Act.

23 (b) A public entity does not have constructive notice of
24 a condition of its property that is not reasonably safe
25 within the meaning of Section 3-102(a) if it establishes
26 either:

27 (1) The existence of the condition and its character of
28 not being reasonably safe would not have been discovered by
29 an inspection system that was reasonably adequate considering
30 the practicability and cost of inspection weighed against the
31 likelihood and magnitude of the potential danger to which
32 failure to inspect would give rise to inform the public
33 entity whether the property was safe for the use or uses for
34 which the public entity used or intended others to use the

1 public property and for uses that the public entity actually
2 knew others were making of the public property or adjacent
3 property; or

4 (2) The public entity maintained and operated such an
5 inspection system with due care and did not discover the
6 condition.

7 (Source: P.A. 84-1431.)

8 (745 ILCS 10/3-105) (from Ch. 85, par. 3-105)

9 Sec. 3-105. (a) Neither a local public entity nor a
10 public employee is liable for an injury caused by the effect
11 of weather conditions as such on the use of streets,
12 highways, alleys, sidewalks or other public ways, or places,
13 or the ways adjoining any of the foregoing, or the signals,
14 signs, markings, traffic or pedestrian control devices,
15 equipment or structures on or near any of the foregoing or
16 the ways adjoining any of the foregoing. For the purpose of
17 this section, the effect of weather conditions as such
18 includes but is not limited to the effect of wind, rain,
19 flood, hail, ice or snow but does not include physical damage
20 to or deterioration of streets, highways, alleys, sidewalks,
21 or other public ways or place or the ways adjoining any of
22 the foregoing, or the signals, signs, markings, traffic or
23 pedestrian control devices, equipment or structures on or
24 near any of the foregoing or the ways adjoining any of the
25 foregoing resulting from weather conditions.

26 (b) Without implied limitation, neither a local public
27 entity nor a public employee is liable for any injury caused
28 by the failure of a local public entity or a public employee
29 to upgrade any existing street, highway, alley, sidewalk or
30 other public way or place, or the ways adjoining any of the
31 foregoing, or the signals, signs, markings, traffic or
32 pedestrian control devices, equipment or structures on or
33 near such street, highway, alley, sidewalk or other public

1 way or place, or the ways adjoining any of the foregoing from
 2 the standards, if any, which existed at the time of the
 3 original dedication to, or acquisition of, the right of way
 4 of such street, highway, alley, sidewalk or other public way
 5 or place, or the ways adjoining any of the foregoing, by the
 6 first local public entity to acquire the property or right of
 7 way, to standards which are or may be applicable or are
 8 imposed by any government or other person or organization
 9 between the time of such dedication and the time of such
 10 injury.

11 (c) Neither a local public entity nor a public employee
 12 or agent of a local public entity or any other person engaged
 13 by such an entity, employee, or agent that removes or
 14 attempts to remove snow or ice from any street, sidewalk, or
 15 other public way shall be liable for any injury that results
 16 from any condition created by that undertaking unless the
 17 entity, employee, agent, or other person's alleged misconduct
 18 was willful and wanton. Nothing-in-this-Section-shall-relieve
 19 the-local-public-entity-of-the-duty-to-exercise-ordinary-care
 20 in--the--maintenance--of-its-property-as-set-forth-in-Section
 21 3-102-

22 (Source: P.A. 84-1431.)

23 (745 ILCS 10/4-108 new)

24 Sec. 4-108. Unlawful conduct of another person;
 25 contribution. Neither a local public entity nor a public
 26 employee is liable to pay that portion of damages that is
 27 caused or contributed to by the unlawful conduct of another
 28 person.

29 (745 ILCS 10/3-103 rep.)

30 (745 ILCS 10/3-109 rep.)

31 Section 16. The Local Governmental and Governmental
 32 Employees Tort Immunity Act is amended by repealing Sections

1 3-103 and 3-109.